

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JAMES LANGFORD,

Plaintiff,

Case No. 2:22-cv-152

v.

CARRIE KIENITZ, et al.,

HON. JANE M. BECKERING

Defendants.

**ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Kienitz and Cromell (née Leffel) filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 19). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on February 2, 2024 (ECF No. 24), recommending that this Court grant in part and deny in part Defendants' motion, and that this Court dismiss Plaintiff's claims against Unknown Party #1 and Unknown Party #2 without prejudice. The Report and Recommendation was duly served on the relevant parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1).

Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 24) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Kienitz and Cromell's Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 19) is GRANTED IN PART AND DENIED IN PART. Plaintiff's claim against Defendant Cromell (née Leffel) is DISMISSED

WITHOUT PREJUDICE for failure to exhaust administrative remedies. Defendant Cromell (née Leffel) is terminated from this matter. Plaintiff's due process claim against Defendant Kienitz remains.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Unknown Party #1 and Unknown Party #2 are DISMISSED WITHOUT PREJUDICE based on Plaintiff's failure to timely effectuate service.

Dated: March 8, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge